

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

ENERGY WEST, INC.,)	CASE NO.: 1:09 CV 00591
)	
Plaintiff,)	
)	JUDGE CHRISTOPHER A. BOYKO
v.)	
)	<u>JOINT MOTION PURSUANT TO LOCAL</u>
UNITED STATES POWER FUND, L.P.,)	<u>RULE 16.6(b)(2) FOR REFERRAL TO</u>
)	<u>MEDIATION AND FOR AN ORDER</u>
Defendant.)	<u>TEMPORARILY STAYING DISCOVERY</u>

NOW COME the parties, Energy West, Inc. and United States Power Fund, L.P. and jointly move for an Order referring this matter to mediation by a panel member affiliated with this Court's Alternative Dispute Resolution ("ADR") program.

The parties have been in settlement discussions for some time, but have reached an impasse; however, they believe the chances of bridging the gap they now face will be materially increased if they are assisted by an ADR panel member experienced in commercial and/or contract litigation.

The parties envision a mediation taking place within the next forty-five to sixty days and believe that it is in their best economic interests not to participate in discovery as the mediation process unfolds.

WHEREFORE, the parties respectfully request that this Court enter an order referring the case to mediation in accordance with Local Rule 16.6(b)(2) and—to conserve resources—stay discovery in the interim..

Respectfully submitted,

/s/ John Winship Read

John Winship Read (0030827)
VORYS, SATER, SEYMOUR AND PEASE LLP
Heather M. Lutz (0082237)
2100 One Cleveland Center
1375 East Ninth Street
Cleveland, Ohio 44114-1724
Telephone: (216)479-6100
Facsimile: (216)479-6060
E-mail: jwread@vorys.com
hmlutz@vorys.com

*Attorneys for Defendant
United States Power Fund, L.P.*

/s/ Richard N. Selby, II

Richard N. Selby, II, Esq. (0059996)
DWORKEN & BERNSTEIN CO., L.P.A.
60 South Park Place
Painesville, Ohio 44077
Telephone: (440) 352-3391
Facsimile: (440) 352-3469
E-mail: rselby@dworkenlaw.com

Attorney for Plaintiff Energy West, Inc.

CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was sent via the Court's electronic filing system to all parties of record with the Court on July 12, 2010. Notice of this filing will be served to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ John Winship Read

John Winship Read (0030827)